

IN RE: PETITION FOR ZONING VARIANCE  
NE/CORNER Eastern Boulevard  
and Kingston Road  
15119 Eastern Boulevard  
15th Election District  
5th Councilmanic District  
Margaret Emala, et al  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The petitioners herein request a variance to permit two freestanding signs totalling 350 sq. ft. in lieu of the permitted three signs of 100 sq.ft. each, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Carlene S. Carragher, Manager, and Claude Battle, Jr., Senior Construction Manager with Hardees Food Systems, Inc., Contract Purchaser of the subject property, appeared, testified, and were represented by Newton Williams, Esquire. Also appearing on behalf of the Petition was Shawn McHugh of Patrick Signs, Inc. There were no Protestants.

Testimony indicated that the subject property is located at the corner of Eastern Boulevard and Kingston Road and is currently improved with a service station, an automotive parts store and a chinese carry-out restaurant. Ms. Carragher testified that Hardees has a contract to purchase the subject property contingent upon the granting of the requested variance. Ms. Carragher testified that Hardees first began negotiations to purchase the property in late 1966, early 1967. She described the current conditions of the property which was supported by pictures introduced as Petitioner's Exhibits 2 and 4. Ms. Carragher testified a billboard sign, which was previously granted in Case No. 83-149-X in February 1963, currently exists on the property consisting of 300 sq.ft. each side.

Ms. Carragher testified that if the variance is granted, the existing buildings will be raised and all existing signs and the billboard will be removed. Counsel for Petitioners introduced numerous pictures showing the surrounding area and the signs located in the vicinity of the subject property off of Eastern Boulevard.

Testimony presented indicated that the requested variance was for a main identification sign consisting of 222.88 sq.ft. total, a breakfast and drive-thru double-faced sign attached on a pole with a total area of 63.22 sq.ft., a menu board sign for the drive-thru consisting of 38.19 sq.ft., and freestanding directional signs along with individual single-faced letters mounted on the building denoting "Hardees." Testimony presented indicated that due to the width of Eastern Boulevard, the amount of traffic and speed limit on this road, Petitioners believe the proposed size of Hardees' main identification sign is necessary to provide adequate notice to potential customers. Petitioners further testified the proposed landscaping of the subject property will be a vast improvement to existing conditions.

Mr. McHugh testified regarding the proposed signs and his opinion as to the reason for the size requested. Mr. McHugh verified that Hardees did make a smaller sign of 63 sq.ft. per side in lieu of the 111.44 sq.ft. sign proposed and introduced as Petitioner's Exhibit 6 a copy of said sign.

Petitioners seek relief from Section 413.2f, pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

-2-

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-158-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.2f, To allow freestanding signs with a total of 350 sq. ft. in lieu of the permitted 3 signs and 100 sq. ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Hardees is asking to install only one freestanding identification sign at this major intersection. The other freestanding sign will be a drive thru menu board for that traffic. These signs will not interfere with a motorists vision or deter from the appearance of the property and are necessary to promote a smooth flow of traffic into and from the property without impeding traffic on the roadways. This sign package will eliminate many old, unsightly freestanding signs and also a billboard, helping to upgrade the appearance of the community.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Margaret Emala (Type or Print Name)

Signature: Margaret Emala

Address: 1303 Old Eastern Ave. (City and State)

Attorney for Petitioner: Eugene Frederick (Type or Print Name)

Signature: Eugene Frederick

Address: 5411 Randolph Road (City and State)

Rockville, MD 20852

City and State

Attorney's Telephone No.: 301-770-6200

5411 Randolph Rd, Rockville, Md. (Address) Phone No. 770-6200

ORDERED BY The Zoning Commissioner of Baltimore County, this 19th day of August, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 25th day of October, 1988, at 5 o'clock P.M.

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 20 (1974).

It is clear from the testimony that if a variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Zoning Variance, as hereinafter modified, should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of December 1988 that a variance to permit two freestanding signs totalling 227.41 sq. ft. each in lieu of the permitted three signs of 100 sq.ft. each, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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- 2) Hardees' main identification sign shall not exceed 63 sq.ft. per side.

- 3) Hardees' breakfast and drive-thru sign shall not exceed 31.61 sq.ft. per side.

- 4) The menu board sign shall not exceed 38.19 sq.ft.

- 5) The square footage granted herein shall not be deemed applicable to any directional sign without advertisements and/or signs mounted to the building pursuant to and in accordance with the B.C.Z.R.

- 6) Petitioners shall comply with the landscaping plan dated October 11, 1988 approved by the Office of Current Planning's Landscape Planner.

- 7) Prior to the issuance of any permits by the Zoning Office, Petitioners shall revise their site plan to comply with the modification of the signage approved herein and shall submit a copy of the approved landscaping plan to this office.

- 8) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this order.

- 9) The billboard sign granted pursuant to the Order issued in Case No. 83-149-X shall be removed and not replaced.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
446-3353 681-3353

December 16, 1988

Newton A. Williams, Esquire  
Nolan, Plunhoff & Williams  
Suite 1105 Hampton Plaza  
300 East Joppa Road  
Towson, Maryland 21204-3012

RE: PETITION FOR ZONING VARIANCE  
NE/CORNER Eastern Boulevard and Kingston Road  
(2119 Eastern Boulevard)  
15th Election District - 5th Councilmanic District  
Margaret Emala - Petitioners  
Case No. 89-158-A

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

cc: Ms. Carlene S. Carragher  
Mr. Claude Battle, Jr.  
122 Defense Highway, Annapolis, Md. 21401

Mr. Shawn McHugh  
Patrick Signs, Inc.  
5411 Randolph Road, Rockville, Md. 20852  
People's Counsel

File

STV LYON ASSOCIATES

ENGINEERS ARCHITECTS PLANNERS  
21 GOVERNORS COURT  
BALTIMORE, MD 21204-2722  
301/944-0112

DESCRIPTION OF PARCELS LOCATED AT THE  
SOUTHEASTERN CORNER OF EASTERN BOULEVARD  
AND KINGSTON ROAD, ELECTION DISTRICT NO. 15 CS,  
BALTIMORE COUNTY, MARYLAND.

PARCEL 1

BEGINNING FOR THE FIRST at a cross-cut chiseled in concrete curb, now set along the southeasterly right-of-way line of Eastern Boulevard, Maryland Route No. 150 (variable width right-of-way), as shown on State Roads Commission of Maryland Right-of-Way Plat Nos. 4894 and 45571, said point being at the beginning of the first described parcel of land in a conveyance from Lord Calvert Land Grants, Inc., unto Frances Emala and Joan M. McManus and Nancy Carol Salino, by a deed dated July 9, 1964 and recorded among the Land Records of Baltimore County, Maryland in Liber R.R.G. No. 4334, folio 282, etc., thence along said right-of-way line of Eastern Boulevard, running with and binding on said first line, as now surveyed by STV/LYON ASSOCIATES, with bearings herein being referred to the Baltimore County Metropolitan District Grid Meridian, as follows:

1. North 42°05'01" East 81.82 feet to a 1-1/4" diameter iron bar heretofore set, thence leaving Eastern Boulevard and running with and binding on the second and third lines of said conveyance, the following course and distance,
2. South 47°54'59" East 248.09 feet, in all, to a 5/8" dia. reinforcing rod and cap (rebar) now set, thence running with and binding on the fourth and fifth lines of the aforesaid conveyance, the two following courses and distances,
3. South 57°02'35" West 84.69 feet to a rebar now set, thence,
4. North 47°54'59" West 226.23 feet to the point of beginning ... containing 19,404.4 square feet or 0.4455 acre of land, more or less.

The existing improvements thereon being known and designated as Nos. 2121 and 2123 Eastern Boulevard.

PARCEL 2

BEGINNING FOR THE SECOND at a "P.K." nail and cap, now set along the northeasterly right-of-way line of Kingston Road (30 feet wide), said point being located at the beginning of the first line of the secondly described parcel of land in a conveyance from Lord Calvert Land Grants, Inc., unto Frances Emala and Joan M. McManus and Nancy Carol Salino, by a deed dated July 9, 1964 and recorded among the Land

STV/LYON ASSOCIATES

Records of Baltimore County, Maryland in Liber R.R.G. No. 4334, folio 282, etc., thence leaving Kingston Road and running with and binding on the first through the sixth lines of said conveyance, as now surveyed by STV/LYON ASSOCIATES, with bearings herein being referred to the Baltimore County Metropolitan District Grid Meridian, the six following courses and distances,

1. North 67°02'35" East 152.73 feet to a 5/8" dia. reinforcing rod and cap (rebar) now set, thence,
2. North 47°54'59" West 226.23 feet to a cross-cut chiseled in concrete curb now set, to intersect the southeasterly right-of-way line of Eastern Boulevard, Maryland Route No. 150 (variable width right-of-way), as shown on State Roads Commission of Maryland Right-of-Way Plat No. 4894, thence along said right-of-way line of Eastern Boulevard, the three following courses and distances, and continuing,
3. South 42°05'01" West 100.08 feet to a cross-cut set in concrete, thence,
4. South 35°45'01" West 18.10 feet to a cross-cut set in concrete, thence,
5. South 01°01'59" East 58.20 feet to a "P.K." nail and cap, to intersect the aforementioned northeasterly right-of-way line of Kingston Road, thence along same, and continuing,
6. South 53°02'18" East 145.61 feet to the point of beginning ... containing 31,010.2 square feet or 0.7119 acre of land, more or less.

The improvements thereon being known and designated as No. 2119 Eastern Boulevard and No. 1 Kingston Road.

SUBJECT, however, to an area for the proposed widening of Kingston Road, as shown on Baltimore County Right-of-Way Plat No. HRW 53-078, dated April 2, 1983, and recorded in Baltimore County Highways Plat Reference Liber No. 15-A, folio 200, said area to be conveyed to the Baltimore County Bureau of Land Acquisition upon request, and being more particularly described as follows:

BEGINNING for the same at the beginning of the sixth line of the secondly described parcel herein, thence running with and binding on same,

1. South 53°02'18" East 145.61 feet, thence running with and binding on a portion of the first line of said secondly described parcel,
2. North 57°02'35" East 9.18 feet to a "P.K." nail and cap now set, to intersect the proposed northeasterly right-of-way line of Kingston Road (60 feet wide), as shown on the aforesaid plat no. HRW 53-078, thence leaving said first line and running with and binding along said proposed right-of-way line of Kingston Road, by a curve to the left having,

STV ENGINEERS Engineers Architects Planners Professional Member: Firms STV/Lyon Associates  
STV Management Consultants STV/KD Home plan STV/Gardens & Trees STV/Seven Rivers Valley & Rebirth



# STV/LYON ASSOCIATES

- A radius of 530.00 feet, an arc length of 155.58 feet, said curve being subtended by a chord bearing North 53°15'48" West 155.02 feet to a cross-cut now set, to intersect the fifth line of the aforesaid secondly described conveyance herein, thence along a portion of said fifth line.
- South 01°01'59" East 10.17 feet to the point of beginning ... containing 1,840.4 square feet or 0.0423 acre of land, more or less.

The herein firstly and secondly described parcels comprising and BEING all of the same tracts of land, as described in a conveyance from Lord Calvert Land Grants, Inc., unto Frances Emala and Joan M. McManus and Nancy Carol Salino, by a deed dated July 9, 1964 and recorded among the Land Records of Baltimore County, Maryland in Liber R.R.G. No. 4334, folio 282, etc.

Said parcels also being:

SUBJECT to an "Easement Area" along the southeasterly right-of-way line of Eastern Boulevard, of irregular dimensions, as shown on State Roads Commission of Maryland Right-of-Way Plat Nos. 4894 and 45571;

and

ALSO SUBJECT, to a "Utility Easement" along said southeasterly right-of-way line of Eastern Boulevard, of irregular dimensions, as shown on Baltimore County Department of Public Works Sanitary Sewer Drawing No. J.O. 5524, under Contract No. 48-494, dated November 15, 1951.

SUBJECT, ALSO, to other facts which may be revealed by benefit of a title search performed by an expert title abstractor.

*Mark A. Riddle*  
STV/LYON ASSOCIATES  
Mark A. Riddle  
MD Reg. Property Line Surveyor No. 244

March 27, 1987



July 7, 1988

TO: Baltimore County, Zoning Dept.  
RE: Hardee's, 2119 Eastern Blvd.  
Middle River

Hardee's is requesting a variance from section 413.2 of the sign regulations to allow for the following signage at this location:

Sign #1: 7' 2-3/4" x 15' 5" double faced freestanding sign at 20 ft. overall height with a total area of 222.88 s.f. for both faces.

Sign #2: 5' 1-1/2" x 6' 2" double faced appendage for sign #1, with a total area of 63.22 s.f. for both faces.

Sign #3: 3' 1-1/2" x 11' 10-1/2" individual single faced letters mounted to building with a total area of 37.11 s.f.

Sign #4: 3' 1-1/2" x 4' 1-1/2" single faced freestanding menu board at 6 ft. overall height with a total area of 38.19 s.f.

Sign #5: 6-11/16" x 3' 1-3/10" single faced "Clearance" sign mounted to building with a total of 1.73 s.f.

Signs 6, 7, 8: 1' 5" x 3' 1" double faced freestanding directional signs at 4' 8" overall height with a total area of 8.72 s.f. for both faces, on each sign.

The above proposed signs are consistent in number and size with all Hardee's Restaurants being built. They have been designed to blend architecturally with the building and are located to harmonize with the landscaping. We greatly appreciate your consideration in this matter.

*Eugene Frederick*  
Eugene Frederick  
PATRICK SIGNS, INC.

total freestanding sign area 324.29

total wall/roof sign area 38.84

total directional sign area 26.16

**PATRICK SIGNS INC** 5411 Randolph Road, Rockville, Maryland 20852 301/770-6200

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER  
NE Corner Eastern Blvd. and :  
Kingston Rd. (2119 Eastern Blvd.) :  
15th Election Dist.; : OF BALTIMORE COUNTY  
5th Councilmanic Dist. :  
MARGARET EMALA, et al., : Case No. 89-158-A  
Petitioners :  
: : : : :  
: : : : :

## ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 304, County Office Building  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 6th day of October, 1988, a copy of the foregoing Entry of Appearance was mailed to Eugene Frederick, Esquire, 5411 Randolph Rd., Rockville, MD 20852, Attorney for Petitioner.

*Peter Max Zimmerman*  
Peter Max Zimmerman

## CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct. 13, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct. 6, 1988.

THE JEFFERSONIAN,

*S. Zebe Orlov*  
Publisher

**NOTICE OF HEARING**  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:  
Petition for Zoning Variance  
Case number 89-158-A  
NE Corner Eastern Boulevard and Kingston Road  
(2119 Eastern Boulevard)  
15th Election District - 5th Councilmanic  
Legal Owner(s): Margaret Emala, et al  
Petitioner(s): Margaret Emala, et al  
Hearing Date: Tuesday, Oct. 25, 1988 at 2:00 p.m.  
Variance to allow freestanding signs with a total of 350 sq. ft. in lieu of the permitted 3 signs and 100 sq. ft.  
It is to be noted that this Petition is granted a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
9:307 Oct. 6

\$37.50

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

89-158-A

District: 12th Date of Posting: 10/15/88  
Posted for: Margaret Emala, et al  
Petitioner: Margaret Emala, et al  
Location of property: NE Corner Eastern Blvd. & Kingston Rd.  
Location of Signs: 2119 Eastern Blvd.  
Remarks: Variance to allow freestanding signs with a total of 350 sq. ft. in lieu of the permitted 3 signs and 100 sq. ft.  
Posted by: *Matthew* Date of return: 10/16/88  
Number of Signs: 1

## BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines  
Zoning Commissioner  
DATE: August 16, 1988  
FROM: Mr. Robert W. Sheesley  
SUBJECT: Petition for Zoning Variance - Item #40  
Hardee's Restaurant - Margaret Emala  
and Frances Yockel

Subject property is a Hardee's Restaurant located on Eastern Boulevard between Eastern Avenue and Kingston Road. The site is within the Chesapeake Bay Critical Area and is classified as Intensely Developed Area.

The applicant has requested a Zoning Variance to install a freestanding identification sign and a drive-thru menu board.

The proposed project is found to be in compliance with Critical Area law and, therefore, is approved.

If you have any questions, please contact Mr. David D. Flowers at 494-1981.

*Robert W. Sheesley*  
Robert W. Sheesley, Director  
Department of Environmental Protection  
and Resource Management

RW:DFP:tg

**RECEIVED**  
AUG 18 1988

**ZONING OFFICE**

## Hardee's Area I

Item #40

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

August 24, 1988

Mr. Robert Sheesley, Director  
Department of Environmental Protection & Resource Management  
New Courts Building  
401 Bosley Avenue  
Towson, MD 21204

Dear Mr. Sheesley:

Pursuant to the attached letter from Mr. John J. Sullivan, Jr. of Baltimore County's Office of Planning and Zoning, I am forwarding a copy of the site plan for 2119 Eastern Boulevard.

After a review of this site plan, please forward preliminary comments to Mr. Sullivan. If you have any questions or require additional information, please contact.

Cordially,

HARDEE'S FOOD SYSTEMS, INC.

*Claude Battle*  
Claude Battle, Jr.  
Senior Construction Manager  
Area I

CB/ta

Enclosures

cc: John J. Sullivan, Jr., Office of Planning & Zoning  
Eugene Frederick, Patrick Signs

HARDEE'S FOOD SYSTEMS, INC. • 122 DEFENSE HIGHWAY • ANNAPOLIS, MARYLAND 21401 • (301) 266-6121

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353  
J. Robert Haines  
Zoning Commissioner

August 16, 1988

Mr. Eugene Frederick  
Patrick Signs, Inc.  
5411 Randolph Road  
Rockville, Maryland 20852

RE: Zoning Variance  
2119 Eastern Boulevard  
15th Election District

Dear Mr. Frederick:

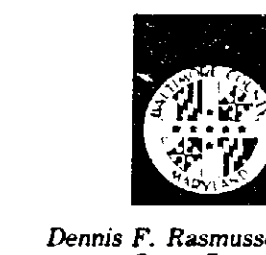
A petition for a sign variance was filed and accepted by this office on July 29, 1988 (Item #40). This site lies in a "critical area" of Baltimore County. Newly enacted legislation requires that all petitions in these areas be reviewed by the Department of Environmental Protection and Resource Management. A letter by certified mail accompanied by a site plan must be submitted to Mr. Robert Sheesley, Director, New Courts Building, 401 Bosley Avenue, Towson, Maryland 21204 requesting that preliminary comments be sent to the Zoning Commissioner. This action must be taken before your petition can be processed any further by this office.

If you have any questions, please do not hesitate to call.

Yours truly,

*John J. Sullivan, Jr.*  
John J. Sullivan, Jr.  
Planning & Zoning Assoc. III

cc: Margaret Emala  
Frances E. Yockel  
1303 Old Eastern Avenue  
Baltimore, Maryland 21221  
File



Dennis F. Rasmussen  
County Executive

## NOTICE OF HEARING

Dennis F. Rasmussen  
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 89-158-A  
NE Corner Eastern Boulevard and Kingston Road  
(2119 Eastern Boulevard)  
15th Election District - 5th Councilmanic  
Legal Owner(s): Margaret Emala, et al  
Petitioner(s): Margaret Emala, et al  
HEARING SCHEDULED: TUESDAY, OCTOBER 25, 1988 at 2:00 p.m.

Variance to allow freestanding signs with a total of 350 sq. ft. in lieu of the permitted 3 signs and 100 sq. ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

cc: Margaret Emala, et al  
Eugene Frederick  
File

*Charles Bay*  
Charles Bay, Attorney General

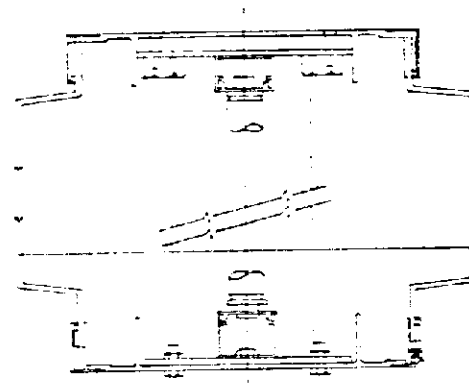
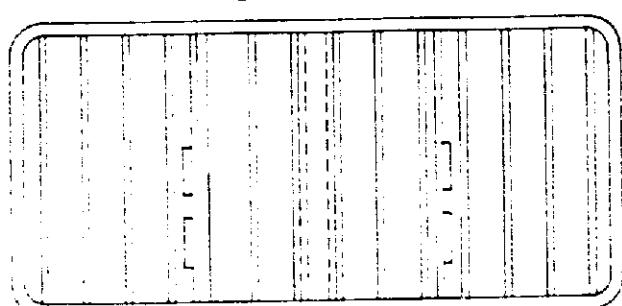


## MODEL 816 ROAD SIGN



### SPECIFICATIONS:

SIZE: 7'2 3/4" x 15'5" x 1'2 5/8"  
AREA: 111.44 sq. ft.  
WEIGHT: 1025 lbs.  
ELECTRICAL:  
LOAD: 1-20 Amp, 120 Volt Circuit;  
13.4 Amps Maximum  
LAMPS: F84T12 CWHO Qty. 14  
BALLAST: FRANCE 388 D 3 lamp- QTY 2  
FRANCE 488 D 4 lamp- QTY 2  
SWITCH: 1-20 Amp  
UL Approved

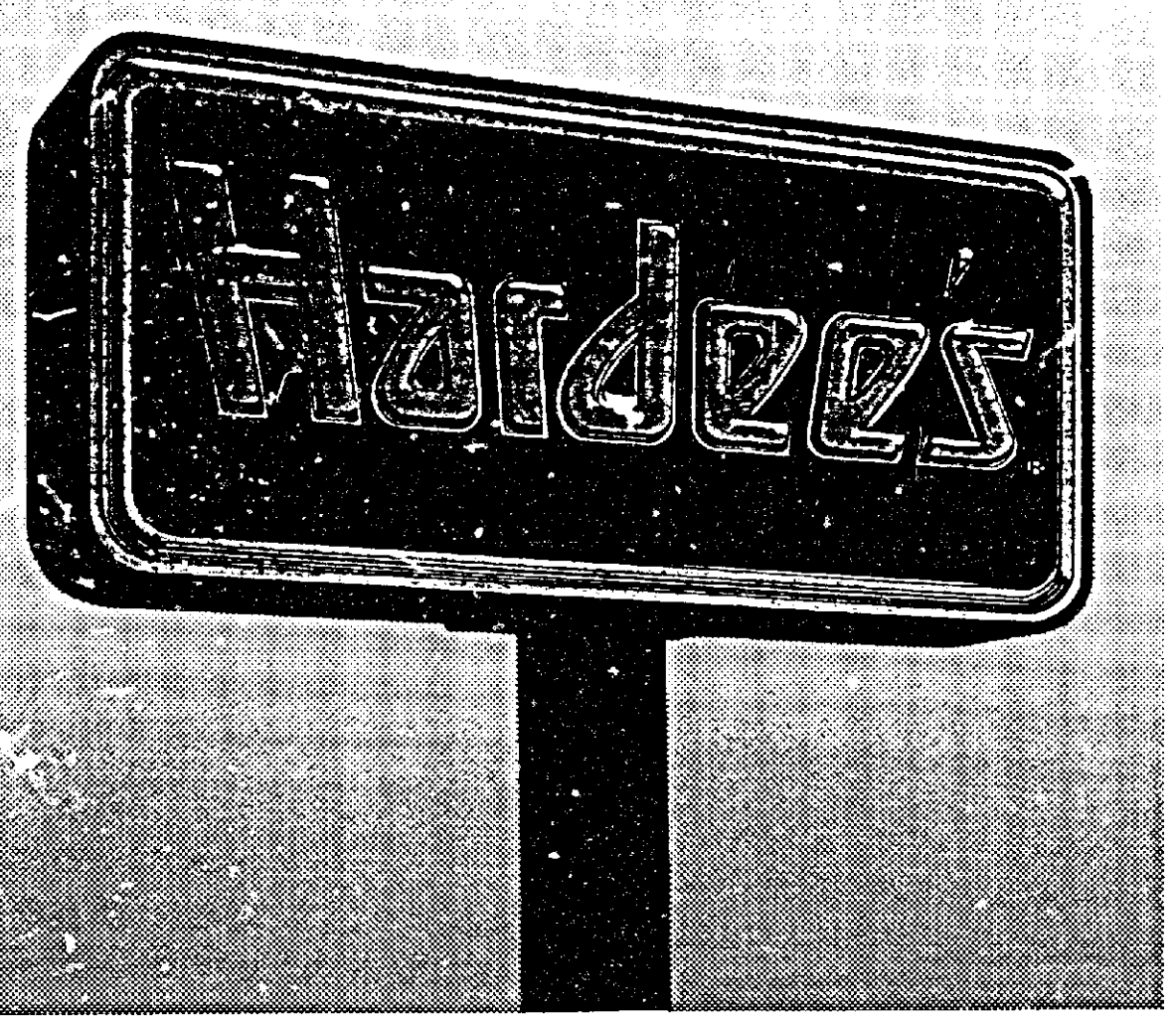


Hardee's Model 816 road sign is the primary sign used for the main identification of the store. It is usually installed at 16' to 20' grade clearance. A Breakfast/Drive Thru appendage sign is usually used. See appendage sign sheet.

*Pet. E.H. 5*

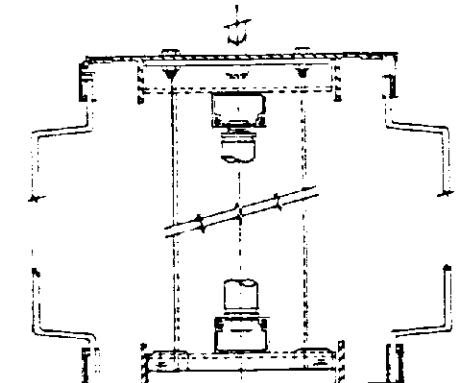
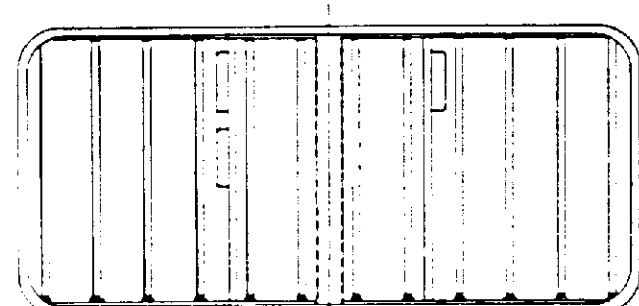
TENCON  
Tennessee Continental Corporation, 400 Rivers Road, Centerville, Tennessee 37033 (615) 729-5103

## MODEL 613 ROAD SIGN



### SPECIFICATIONS:

SIZE: 5'4 11/16" x 11'8 1/4"  
AREA: 63 sq. ft.  
WEIGHT: 1050 lbs.  
ELECTRICAL:  
LOAD: 1-15 AMP 120 Volt Circuit;  
7.5 AMPS Maximum  
LAMPS: F60T12CWHO Qty. 12  
BALLAST: FRANCE 488D, 4 Lamp Qty. 3  
SWITCH: 1-20 AMP  
UL Approved

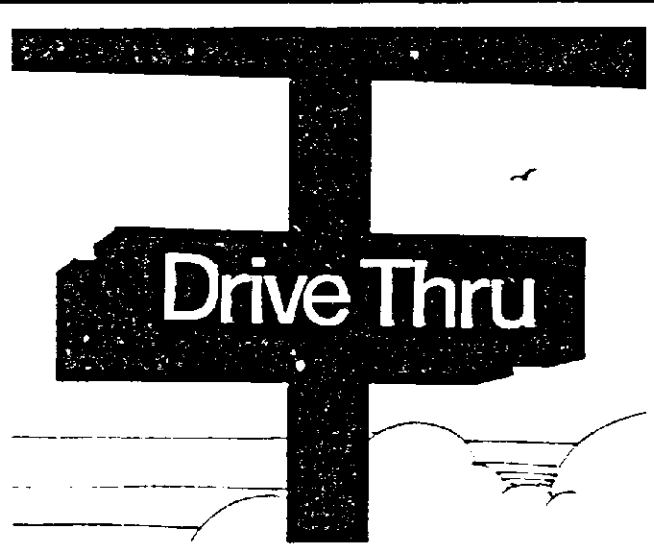
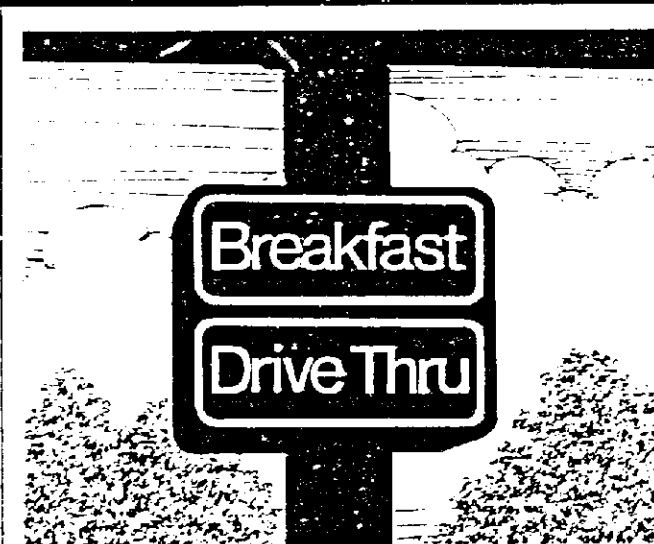
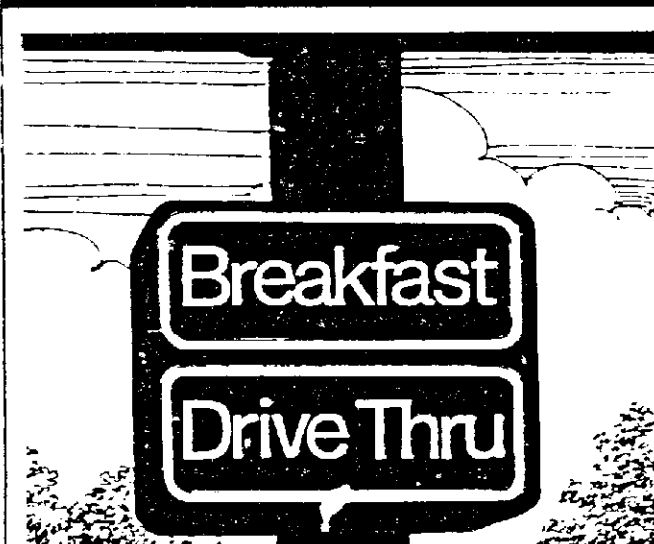


Hardee's Model 613 Road Sign is a primary sign used for main identification when the Model 816 cannot be used and is normally installed 12' to 14' grade clearance. An appendage sign is usually used. See appendage sign sheet.

*Pet. E.H. 6.*

TENCON  
Tennessee Continental Corporation, 400 Rivers Road, Centerville, Tennessee 37033 (615) 729-5103

## APPENDAGE SIGNS



### MODEL 816

SIZE: 5'1 1/2" x 6'2"  
AREA: 31.91 sq. ft.  
WEIGHT: 130 lbs.  
ELECTRICAL:  
LOAD: 1-15 AMP 120 Volt Circuit;  
9.2 AMP Maximum  
LAMPS: F60T12CWHO Qty. 12  
BALLAST: FRANCE 688D, 6 Lamp Qty. 2  
SWITCH: 1-15 AMP

### MODEL 511

SIZE: 4'4" x 3'3 1/4"  
AREA: 16.57 sq. ft.  
WEIGHT: 275 lbs.  
ELECTRICAL:  
LOAD: 1-15 AMP 120 Volt Circuit;  
4.6 AMPS Maximum  
LAMPS: F42T12CWHO Qty. 8  
BALLAST: FRANCE 488D, 4 Lamp Qty. 2  
SWITCH: 1-15 AMP

### HIGH RISE

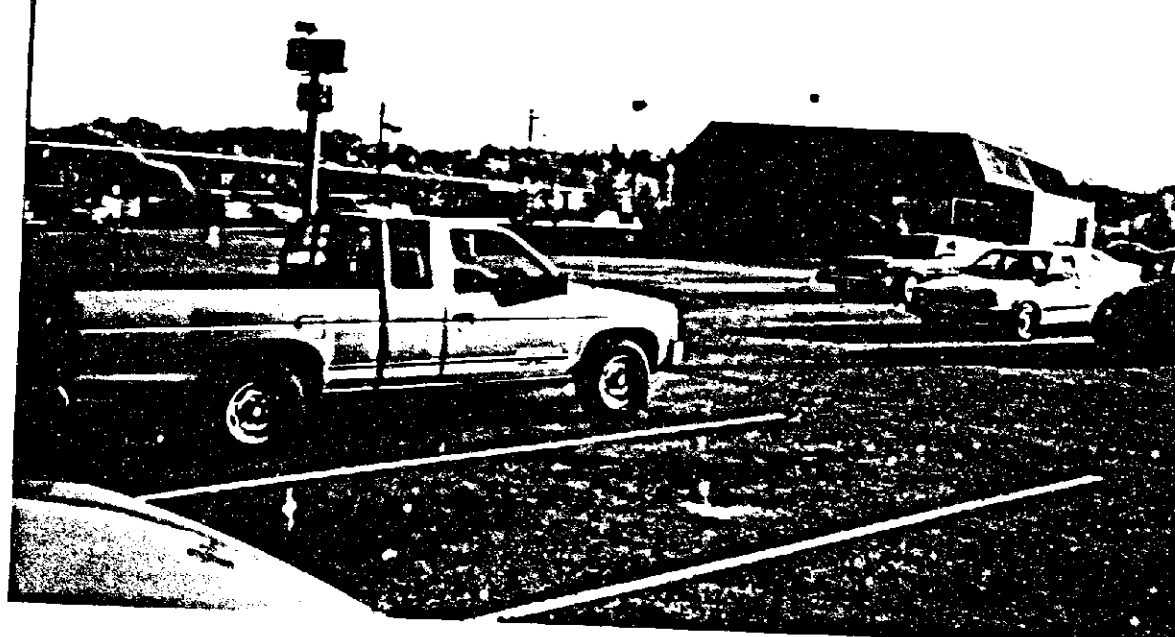
SIZE: 3' x 13'1 1/2"  
AREA: 39.25 sq. ft.  
WEIGHT: 520 lbs.  
ELECTRICAL:  
LOAD: 1-15 AMP 120 Volt Circuit;  
5.6 AMP Maximum  
LAMPS: F84T12CWHO Qty. 6  
BALLAST: FRANCE 388D, 3 Lamp Qty. 4  
SWITCH: 1-15 AMP

UL Approved

UL Approved

UL Approved

COPY AVAILABLE: 1. Breakfast 2. Drive Thru 3. Drive Thru Service 4. Breakfast/Drive Thru  
5. Open 24 Hrs. 6. Open 24 Hrs./Breakfast 7. Open 24 Hrs./Drive Thru



A. Patuxent - Hardee's



B. Patuxent - Hardee's - Essex to Mist of site above and similar size signs



C. Remick's West Ave.



D. Route 40 West - Catonsville



E. Owings Mills - Hardee's



Catonsville Hardee's F. York Rd.



A. Approaching proposed Hardee's site at E Corner of Kingston and Eastern Blvd.



B. Converted fast food - now Chinese/American Restaurant Looking E on Eastern Blvd. Site in background.  
**PETITIONER'S EXHIBIT**

89-158-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
7th day of August, 1988.

*J. Robert Haines*  
ROBERT HAINES  
ZONING COMMISSIONER

Petitioner: Margaret Emils, et al  
Petitioner's Attorney: Eugene Frederick

Received by: *Margaret Emils*  
Chairman, Zoning Plans  
Advisory Committee

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 18, 1988

COUNTY OFFICE Bldg.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Eugene Frederick, Esquire  
5411 Randolph Road  
Rockville, Maryland 20852

RE: Item No. 40 - Case No. 89-158-A  
Petitioner: Margaret Emils, et al  
Petition for Zoning Variance

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Dear Mr. Frederick:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James F. Dyer*  
JAMES F. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:dc

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building  
Towson, Maryland 21204  
494-3554

August 24, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 490, 5, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 23, 25, 26, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39 and 40.

Very truly yours,

*Stephen F. Weber*  
Stephen F. Weber, P.E.  
Assistant Traffic Engineer

SEA/RF/lab





**Maryland Department of Transportation  
State Highway Administration**

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204  
Att: James Dyer

August 15, 1988

Re: Baltimore County  
Hardees Restaurant  
Zoning meeting 8/9/88  
S/E/S Eastern Boulevard  
MD 150  
and Kingston Road  
Item # 40

Dear Mr. Haines:

After reviewing the submittal for a variance to allow freestanding signs with a total of 350 square feet in lieu of the permitted three signs and 100 square feet, we offer the following comments.

This plan has been forwarded to the SHA Beautification Section c/o Morris Stein (333-1642), for all comments relative to zoning.

Very truly yours,

*Creighton J. Mills, Jr.*  
Creighton J. Mills, Jr.  
Chief Bureau of Engineering  
Access Permits

LB/es

cc: Morris Stein w/att.  
Apex Engineering Inc.  
J. Ogle

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 485-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

Richard H. Trainor  
Secretary  
Hal Kassoff  
Administrator

**BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND RESOURCE MANAGEMENT**

8/16/88  
Date

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 40, Zoning Advisory Committee Meeting of August 9, 1988  
Property Owner: Margaret Emala & Frances E. Yockel  
Location: NE Eastern Blvd & Kingston Rd. District 15  
Water Supply: metro Sewage Disposal: metro

**COMMENTS ARE AS FOLLOWS:**

- (X) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- (X) Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.
- (X) A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tanks (15,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- (X) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- (X) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- (X) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- (X) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- (X) If lubrication work and oil changes are performed at this location, the method providing for the containment of waste oil must be in accordance with the State Department of the Environment.
- (X) Prior to raising of existing structure/s, petitioner must contact the Division of Waste Management at 494-3782, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- (X) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly baffled. Prior to removal of abandonment, owner must contact the Division of Waste Management at 494-3782.
- (X) Soil percolation tests, have been conducted, must be conducted.
- (X) The results are valid until ( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- (X) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- (X) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test ( ) shall be valid until ( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- (X) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- (X) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- (X) Others

*Karen A. Murray*  
BUREAU OF WATER QUALITY AND RESOURCE  
MANAGEMENT

Commissioner Nastarowicz  
Page Two  
November 14, 1988

4. As for the sign in the matter, Hardees and others have made a diligent search and it could not be found and turned in either at the time of the Hearing or at the present time.

Accordingly we will talk Owen, and get the advertising and posting and pay it, but we do not believe that the sign can be located to be turned in.

Thanking you and your staff of your consideration of these materials, I am,

Respectfully,

*Newton A. Williams*  
Newton A. Williams

NAW/psk

Enclosure

cc: Ms. Carlene Carragher  
Mr. Claude Battle  
Mr. Shawn McHugh, Field Representative

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chief

August 18, 1988

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204



Re: Property Owner: Margaret Emala & Frances E. Yockel

Location: NE/c Eastern Blvd. & Kingston Road  
2119 Eastern Blvd.

Item No.: 40

Zoning Agenda: Meeting of 8/2/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

(X) 2. A second means of vehicle access is required for the site.

(X) 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.

(X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

(X) 6. Site plans are approved, as drawn.

(X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John E. O'Neill* Noted and Approved: *John E. O'Neill*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/s/

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

J. Robert Haines  
TO: Zoning Commissioner

Date: October 11, 1988

Pat Keller, Deputy Director  
FROM: Office of Planning and Zoning

Emala - Hardees  
SUBJECT: Zoning Petition No. 88-158-A

The applicant is requesting to increase the permitted 3 signs and 100 square feet to allow freestanding signs and a total of 350 square feet. In response to this request, staff provides the following information:

\* The applicant has requested waiver of CRD plan and meeting proper and will be reviewed by the Planning Board on November 17, 1988. The waiver advisory committee will be proposing a recommendation to the Planning Director on October 25, 1988.

\* Landscaping of the site will be one of the most critical issues regarding the appearance of the site. Landscaping, in addition to that normally required should be provided on the site due to its proximity to Eastern Blvd. and the efforts to upgrade the streetscape.

Based upon the information provided and analysis conducted, staff recommends approval of the applicant's proposed signage program subject to detailed landscape plan review and review by the County Landscape Planner.

PK/es

RECEIVED ZONING OFFICE  
DATE: 10/15/88

**LAW OFFICES  
NOLAN, PLUMHOFF & WILLIAMS  
CHARTERED**

SUITE 1105, HAMPTON PLAZA  
300 EAST JOPPA ROAD  
TOWSON, MARYLAND 21204-3012  
301-923-7800  
TELEFAX 301-286-2765

November 14, 1988

RECEIVED  
NOV 15 1988

The Honorable Anne Nastarowicz, Esquire  
Baltimore County Deputy Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Commissioner Nastarowicz:

RE: Margaret Emala (Hardees)  
Sign Variance Case  
Case No.: 89-158-A  
Various required documentation at the Hearing  
of October 25, 1988

First of all, I would like to again apologize on behalf of Hardees and this office, as well as Patrick Sign Company for the state of the case as you found it on October 25th.

As I told you, our office had only been brought into the case approximately one (1) week before, and it is not up to our usual standards, and we regret any problems.

On a positive note, please find enclosed the following:

1. A letter dated October 31, 1988 from Mrs. Margaret Emala and Mrs. Frances Yockel, indicating their continuing awareness of the case, as the property owners, and the delegation of all responsibility to Hardees.

2. A letter dated October 11, 1988 addressed to Mr. Claude Battle from Mr. Avery Harden, landscape planner, a plan approving the planting plan by Hardees as dated June 5, 1987, and as revised through June 30, 1988, and we have enclosed the righthand corner of that plat, and we will be glad to make a copy of the entire plat for you if you wish. However, we did not wish to hold up this letter in the meanwhile.

3. We did not receive a bill for the advertising and posting of this case, but we stand ready to pay it.

**Hardees  
Area I**

November 8, 1988

Newton Williams, Esq.  
Nolan, Plumhoff, and Williams  
Suite 1105, Hampton Plaza  
300 East Joppa Road  
Towson, MD 21204-3012

RE: SIGN VARIANCE - MIDDLE RIVER  
OLD EASTERN AVENUE, BALTIMORE, MD 21221

Dear Newton:

Attached find letter addressed to the Honorable Anne Nastarowicz from the property owners together with a copy of letter to Claude Battle dated 10/18/88 and approved Planting Plan.

Should you need anything further, please advise.

Sincerely yours,

HARDEE'S FOOD SYSTEMS, INC.

*Carlene S. Carragher*  
Carlene S. Carragher  
Senior Real Estate Manager  
Area I

CSC/ta  
Enclosures  
cc: Claude Battle  
Jack Carney  
Brian Cain

1303 Old Eastern Avenue  
Baltimore, Maryland 21221  
301-686-7337

October 31, 1988

Honorable Anne Nastarowicz, Esq.  
Baltimore County Deputy Zoning Commissioner  
County Office Building  
Towson, MD 21204

Dear Commissioner Nastarowicz:

We, Margaret Emala and Frances Emala Yockel, are the owners of the commercially owned property at Eastern Avenue and Kingston Road. The property is under an option to lease, contingent upon zoning, C.R.G. approval or waiver, and building permit approval for a Hardees Restaurant as outlined in the case tried before you with our permission and authority on Tuesday, October 25, 1988 at 2 p.m. The case number is 89-158-A.

Earlier this year, we signed a petition for sign variance, and we are fully aware of the planned sign variance case, C.R.G. variance submitted, and other measures including the 1988 Zoning Map Request #8-064, all of which were performed with the objective of permitting the Hardees to be built as proposed.

If you have any questions or comments, please do not hesitate to contact us at 301-686-7337; and we do wish to be kept informed directly as well as being kept up to date through the Hardees staff.

Thanking you for your consideration of this request, we remain sincerely yours,

Margaret Emala

Frances Emala Yockel

cc: Carlene S. Carragher  
Claude Battle, Jr.  
Hardees Food Systems, Inc.  
122 Defense Highway  
Annapolis, MD 21401

HARDEE'S FOOD SYSTEMS, INC. 122 DEFENSE HIGHWAY • ANNAPOLIS, MARYLAND 21401 • (301) 266-6121



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

CARLENE S. CARAGHER

122 Defense Highway

CLAUDE BATTLE

Annapolis, MD 21401

SHAWN MCHEWITT

122 DEFENSE HWY

(PATRICK S. SHAW)

ANNAPOLIS, MD 21401

5411 RANDOLPH RD

ROCKVILLE, MD 20852

Baltimore County  
Office of Planning & Zoning  
Townson, Maryland 21204  
294-3211

7 1988

10-11-88

D. David F. F...

MR. CLAUDE BATTLE  
HARDEE'S FOOD SYSTEM  
122 DEFENSE HIGHWAY  
ANNAPOLIS, MD 21403



Dennis F. Rasmussen  
County Executive

Dear MR. BATTLE

As the certifier of the enclosed approved landscape plan you are responsible for the landscape installation and its perpetual cultural management. If someone becomes your legal successor, this responsibility then becomes their's. It would be your responsibility to provide this letter and approved plan to a legal successor and advise this office of the name and address of the new responsible party.

The Baltimore County Landscape Manual states:

- o Section VII D. "All plans shall be fully implemented within one year after occupancy. A final dated certification that the planting has been completed in accordance with the Approved Plan shall be required to be submitted by the Landscape Architect or by the Applicant when a Landscape Architect is not required to prepare the plan."
- o Section V E. "A one year maintenance and warranty period shall be required."
- o Section VI C. "The Zoning Commissioner shall have the authority to enforce compliance with the Approved Final Landscape Plan."

Landscape Manual requirements do not end with installation. A culturally managed, thriving landscape is a perpetual requirement. Dead or non-thriving plant material is a zoning violation no matter how many years after installation.

The Landscape Manual enforcement of the Office of Planning and Zoning, Current Planning and Development Division is improving. We recently hired a person that will be working with the Landscape Planner and focusing on enforcement. The administration has reassured us that we have total support from them for our enforcement effort.

OUFA

Now that summer is over, it has been seen to be the rule instead of the exception, this office is strongly recommending the use of automatic irrigation systems. Automatic irrigation systems thrivability and permits watering during off peak hours.

Although a system may add 15% to the cost of a project, it affords long term savings. A system installation and warranty will cost less with assured irrigation as the cost of labor for long term hand watering is eliminated. A little extra cost at the installation stage will avoid big costs and hassle later with replacements and noncompliance.

Retain a Landscape Architect to ensure adherence to the manual required landscape construction specifications as set forth by Landscape Specification Guidelines for Baltimore-Washington Areas. Make sure that the 1-year warranty that is required by the Manual is a credible warranty that will ensure proper installation of quality plant material that receives proper cultural management. Install your landscaping properly and provide cultural management. It is not only the law but it will enhance and increase the value of your development.

If you have any questions, problems, concerns or suggestions, please call at 294-3335.

Sincerely,

Querry Harden  
Avery Harden  
Landscape Planner

MBH

WATER LINE  
STORM DRAIN  
SAN SEWER  
GAS LINE  
ELECTRIC

# REVISIONS

87 24V SFD ACCORDING TO EASTERN POWER CO. COMMENTS ON 87 MADE OTHER CHANGES RELATED TO 87

88 24V SFD ACCORDING TO EASTERN POWER CO. COMMENTS ON 88 MADE OTHER CHANGES RELATED TO 88

PARKING SPACES REGULAR 20  
HANDICAPPED 3  
OTHER SPECIFY TYPE  
TOTAL 23

PARK SIZE 85x18  
LOT AREA SEE NOTES ON SHEET 1  
PAVED AREA 31,000 S.F.  
SEWER SERVICE EASTERN BLVD.  
WATER SERVICE  
GAS SERVICE  
ELECTRICAL SERVICE  
FRONT SETBACK KINGSTON ROAD  
RIGHT SETBACK 10'  
REAR SETBACK 10'  
LEFT SETBACK 10'  
SHOW SIZE & SETBACK AS PER SAN PERMIT



HARDEE'S FOOD SYSTEMS, INC.  
ARCHITECTURE AND ENGINEERING DEPT.  
1233 N. CHURCH ST.  
ROCKY MOUNT, N. C. 27801  
PHONES: (910) 977-2000 (910) 977-2000

DRAWING NO. M-1 SPLIT FACE BLK EXTERIOR

SHEET TITLE  
PLANTING PLAN

THESE DRAWINGS ARE THE PROPERTY OF HARDEE'S FOOD SYSTEMS, INC. 1233 N. CHURCH ST. ROCKY MOUNT, N. C. 27801 AND SHALL NOT BE USED, COPIED OR REPRODUCED WITHOUT WRITTEN PERMISSION FROM THE OWNER.

DRAWN BY  
CHECKED BY  
DATE 6-5-87 SCALE 1" = 20'  
PROJ. NO.  
SHEET NO.  
OF

OFFICE OF PLANNING & ZONING  
Baltimore County  
10-11-88  
Querry Harden  
Avery Harden  
Landscape Planner





# NOTES CONTINUED:

- PROPOSED USE OF SITE:  
HARDEE'S RESTAURANT  
EMPLOYEES-10 SEATING-66
- GROSS AREA OF BLDG. = 3087 SF (11)
- NO. OF PARKING SPACES REQD: 3087 / 50 = 62
- NO. OF PARKING SPACES PROVIDED: 63
- AREAS:  
A. PARCEL 1 = 19,404.4 SF (12)  
02 0.4455 AC (12)  
B. PARCEL 2 = 31,010.2 SF (12) OR 0.7113 AC (12)  
TOTAL = 50,414.6 SF (12) OR 1.1574 AC (12)  
AREA FOR HWY = 1,840.45 SF KINGSTON RD  
WIDENING = 5,174.45 SF EASTERN BLVD  
TOTAL = 5,014.85 SF (12) OR 0.1151 AC (12)  
REMAINING AREA = 45,399.75 SF (12)  
OR 1.0422 AC (12)  
C. TOTAL AREA FOR = 45,399.75 SF (12)  
HARDEE'S USE = 1.0422 AC (12)
- TRASH ENCLOSURE & UTILITY BLDG.  
EXTERIOR FINISH TO MATCH HARDEE'S  
RESTAURANT BLDG. EXTERIOR  
FINISH
- FRONT ENTRANCE IS THE MAIN ENTRANCE  
TO THE RESTAURANT BUILDING.

N/F HENRY O. VOLZ  
CHK 1212-496

N/F RAYMOND H. VOLZ  
OTG 5170-165  
USE - RESIDENTIAL

TO SPENDING LIGHT  
S4 S4 PACKAGE NO. 10

N/F FLORIAN FRANK KOSIOREK  
E.H.K., JR. 7006-439  
USE - RESIDENTIAL

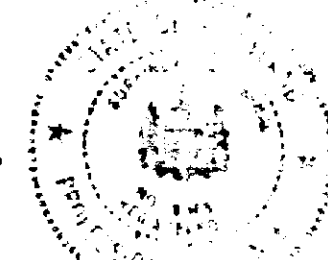
N/F DISTRICT REALTY CORP.  
E.H.K., JR. 7108-291

UTILITY EASEMENT AS SHOWN ON  
BALTO CO. SAN. SEWER DVG  
JO 5624, CONTRACT NO. 48-494  
(11-15-1951)

"EASEMENT AREA" AS SHOWN  
ON S.C.C. R/W PLAT NO.  
4894 & 45571

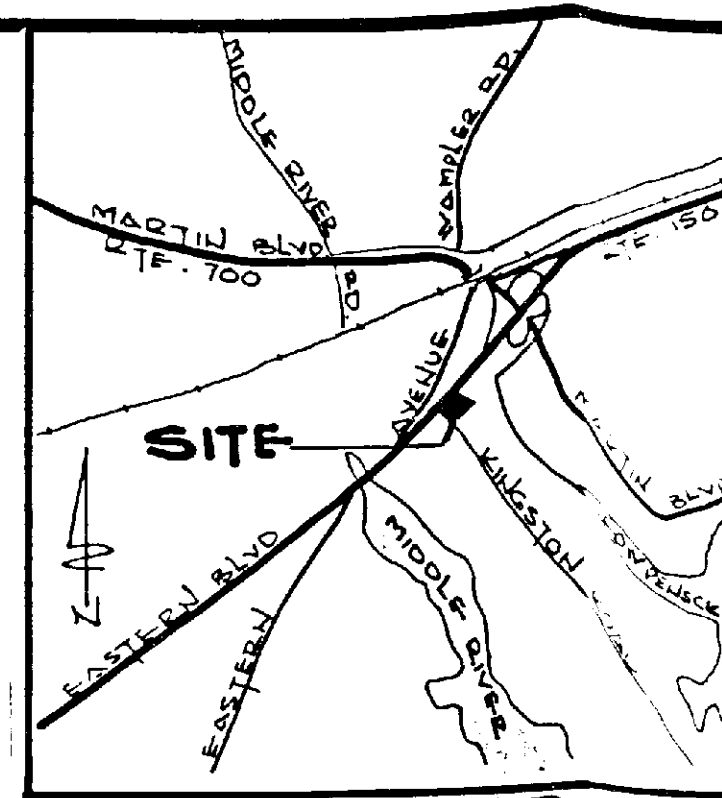
**APEX ENGINEERING, INC.**  
ENGINEERS, PLANNERS & SURVEYORS

110 OLD SOLOMONS ISLAND ROAD  
ANNAPOLIS, MARYLAND, 21401  
(301) 841-6737



Michael G. S. 87

BALTIMORE GAS & ELECTRIC CO.  
MIDDLE RIVER SUBSTATION



**VICINITY MAP**

SCALE: 1" = 2000'

## CONSTRUCTION NOTES

- REFER TO SHEET S2 OF S6 FOR DEMOLITION AND OR GRADING PLAN.
  - MAXIMUM SLOPE FOR HANDICAPPED RAMP SHALL NOT EXCEED 5%. PROVIDE PAINTED HANDICAPPED SYMBOL IN DESIGNATED PARK.
  - EXISTING ELEVATIONS TAKEN FROM SURVEY BY: STYLYON ASSOCIATES  
DATE: MARCH 27, 1987 (REV. 4-15-87)
  - SPAUDLING SITE LIGHTING PACKAGE(S) TO BE FURNISHED BY OWNER AND INSTALLED UNDER SPECIFICATIONS, SECTION 16A ELECTRICAL.
- | PACKAGE NO. 1             | PACKAGE NO. 2             | PACKAGE NO. 3             | PACKAGE NO. 4             | PACKAGE NO. 5             | PACKAGE NO. 10            |
|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| (1) LBS 250-25 HPS W LAMP | (1) LBS 250-25 HPS W LAMP | (1) BRACKET 215-B3        | (1) LBS 250-25 HPS W LAMP | (2) LBS 400-45 SMH W LAMP | 2 OA-1000-M-15 W LAMP     |
| (1) BRACKET 282-B         | (1) BRACKET 215-B2        | (1) LBS 400-45 SMH W LAMP | (1) LBS 400-45 SMH W LAMP | (1) BRACKET 215-B3        | (1) LBS 400-HDS 25 W LAMP |
|                           | (1) POLE 24 SOST          | (1) POLE 24 SOST          | (1) POLE 24 SOST          | (1) POLE 24 SOST          | (1) BRACKET 216-B3        |
|                           |                           |                           |                           |                           | (1) POLE 24 SOST          |
- ALL WORK IN STATE R/W TO BE DONE IN ACCORDANCE WITH ACCESS PERMIT FROM SHD.
  - 4' OF MENU BOARD IS 100' FROM 4' OF DIT WINDOW MEASURED ALONG 4' OF DIT LANE.
  - CONTRACTOR SHALL CHECK & VERIFY EXACT LOCATION OF UTILITIES WITH UTILITY COMPANY. LOCATIONS SHOWN ARE DIAGRAMATIC ONLY. CONTRACTOR SHALL VERIFY LOCATIONS AT JOB SITE.
  - CONTRACTOR SHALL PROVIDE 1" ELECTRICAL CONDUIT & REQUIRED WIRING TO ALL LIGHTED SIGNS & YARD LIGHT LOCATIONS.
  - CONTRACTOR SHALL TIE NEW CONSTRUCTION INTO OLD FOR LIFE & GRADE.
  - ZONING OF SITE: BL-CNS & DR-10.5

NOTES CONTINUED

## LEGEND

- EXIST. FEATURES
- PROP. FEATURES
- WATER LINE
- ELECTRIC LINE
- STORM DRAIN
- SAN. SEWER
- GAS LINE
- TILES
- CONCRETE
- LANDSCAPE AREA

## LOCATION

**MIDDLE RIVER**  
Sheet Address: **KINGSTON ROAD & EASTERN BLVD. (MD. RTE. 150)**  
County: **BALTIMORE**  
State: **MARYLAND**

## SITE INFORMATION

PARKING SPACES REGULAR	60
HANDICAPPED	3
OTHER (SPECIFY TYPE)	
TOTAL	63
PARK SIZE	85' x 118'
LOT AREA - SEE NOTE 15. THIS LEAVING	
PAVED AREA	31,000 S.F.
SEWER SERVICE	EASTERN BLVD.
WATER SERVICE	
GAS SERVICE	
ELECTRICAL SERVICE	KINGSTON ROAD
FRONT SETBACK	10'
RIGHT SETBACK	10'
REAR SETBACK	10'
LEFT SETBACK	
SIGN SIZE & SETBACK AS PER SIGN PERM.	

## REVISIONS

DATE	BY	DESCRIPTION	CHKD
2-3-87		REVISED ACCESS TO # FROM EASTERN BLVD. PER SHD COMMENTS OF AUG 25, 1987 & MADE OTHER "HANDY" W/ LOTS THE 2120 AND 2124 TO 1120. DESCRIPTIONS IN KEY	
3-14-87		ADDED CONC. CURB & SIDEWALK ALONG KINGSTON ROAD	
6-30-88		RELOCATED BLDG TO 620' OF 20' HWY WIDENING STRIP & MADE OTHER CHANGES RELATED THERE TO	
7-18-88		REVISED AS PER COMMENTS FROM ROCKY MOUNT & ADDED NOTE 17	

## SITE PLAN DESIGNER'S CERTIFICATE

THIS IS TO CERTIFY TO CHICAGO TITLE INSURANCE COMPANY AND HARDEE'S FOOD SYSTEMS, INC. THAT APEX ENGINEERING, INC. PREPARED THE SITE PLAN SHOWN HEREON THAT IT HAS A TRUE AND CORRECT BOUNDARY AND PROGRAPHIC SURVEY PREPARED BY STYLYON ASSOCIATES DATED MARCH 27, 1987, REVISED 4-15-87, AND CHICAGO TITLE INSURANCE COMPANY COMMITMENT DATED MARCH 25, 1987, THAT ALL EASEMENTS, COVENANTS, RESTRICTIONS CONTAINED IN THE AGREEMENTS, COVENANTS, ARE SHOWN HEREON AND DO NOT AFFECT THE PROPOSED CONSTRUCTION, MAINTENANCE, OPERATION, OR USE OF SAID PROPERTY FOR A HARDEE'S RESTAURANT. I HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF MARYLAND. MY EXPIRATION DATE IS MAY 15, 1992. I AM A MEMBER OF THE BALTIMORE COUNTY IN LIBER E.H.K. NO. 570 FOLD 408.

1. POLE AGREEMENT BETWEEN FRANK HELLDOERF & SONS TO CONSOLIDATED GAS ELECTRIC LIGHT & POWER COMPANY DATED MAY 31, 1929 RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER E.H.K. NO. 830 FOLD 3.

2. POLE AGREEMENT BETWEEN FRANK HELLDOERF & SONS TO CONSOLIDATED GAS ELECTRIC LIGHT & POWER COMPANY DATED MAY 31, 1929 RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER E.H.K. NO. 830 FOLD 3.

3. POLE AGREEMENT BETWEEN PIERCE, EMAL, LAL AND BALTIMORE GAS & ELECTRIC COMPANY DATED 1-1-1972 RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER E.H.K. NO. 574 FOLD 61.

4. SIDEWALK ENCROACHMENT OVER NORTHWEST CORNER BOUNDARY OF PARCEL 2 AS SHOWN ON SURVEY DATED MARCH 27, 1987, PREPARED BY STYLYON ASSOCIATES (SURVEY REVISED 4-15-87)

Michael G. S. 87

## SITE PLAN

SCALE: 1" = 20'

**EASTERN BOULEVARD MD. RTE. NO. 150**  
(R/W WIDTH VARIES, SEE SRC PLAT NOS. 4894 & 45571)

**PE**  
**EXHIBIT 2**



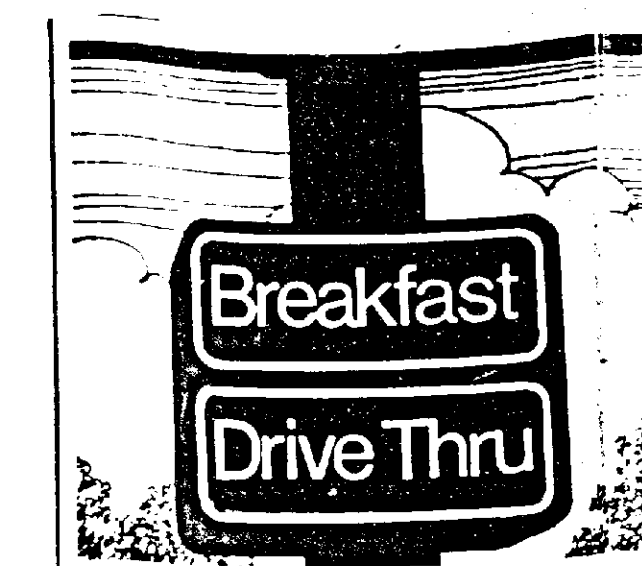
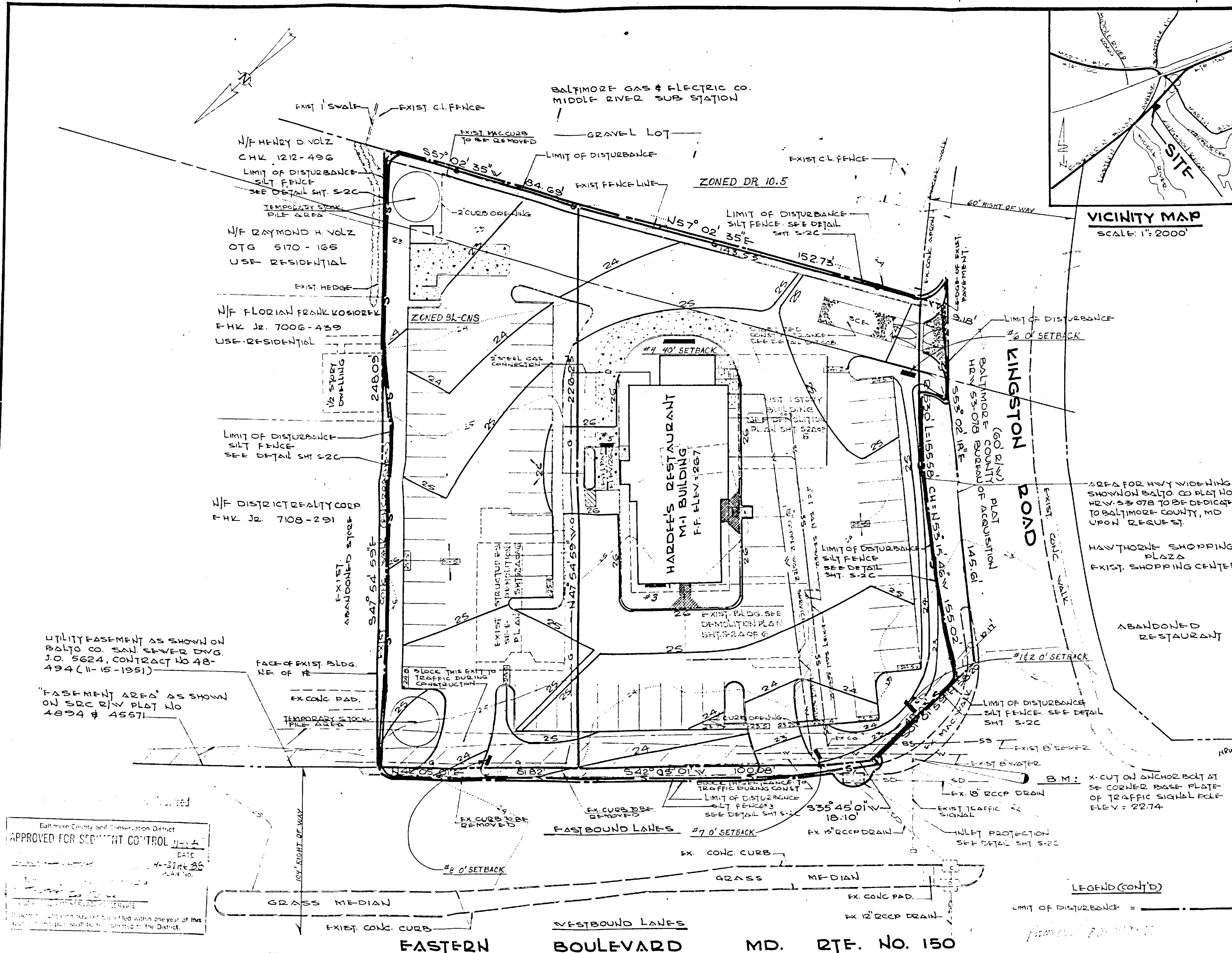
**HARDEE'S FOOD SYSTEMS, INC.**  
ARCHITECTURE AND ENGINEERING DEPT.  
1233 N. CHURCH ST.  
ROCKY MOUNT, N.C. 27801  
PHONES: (919) 977-8666 (919) 977-2000

BUILDING MODEL NO. **M-1 SPLIT FACE BLK. EXTERIOR**  
SHEET TITLE **SITE PLAN**

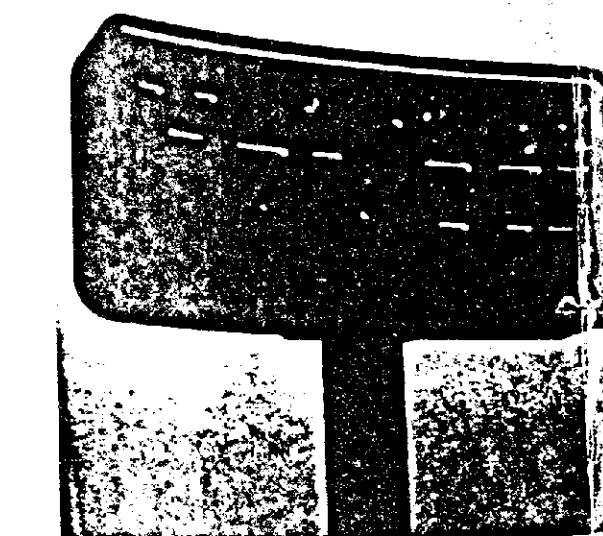
THESE DRAWINGS ARE THE PROPERTY OF HARDEE'S FOOD SYSTEMS, INC., 1233 N. CHURCH ST., ROCKY MOUNT, N.C. 27801, AND SHALL NOT BE USED, COPIED, OR REPRODUCED WITHOUT WRITTEN PERMISSION FROM THE OWNER.

## APPROVED:

AREA ENGINEER	DATE	CHECKED BY	DATE	SCALE	PROJ. NO.	SHEET NO.
		S.S.C.	6-5-87	1" = 20'		S-1 of S-6



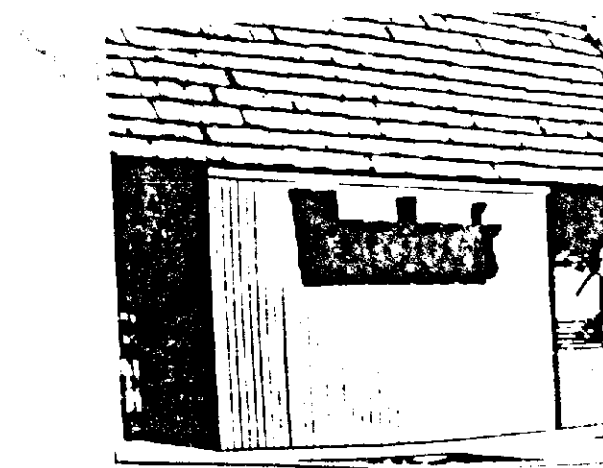
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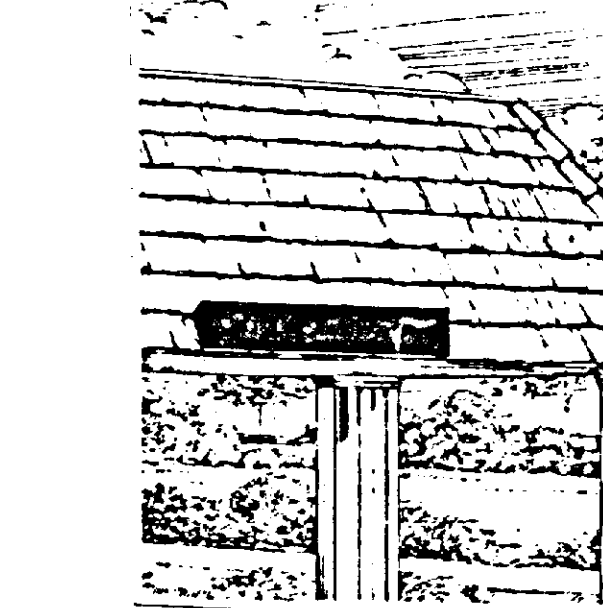
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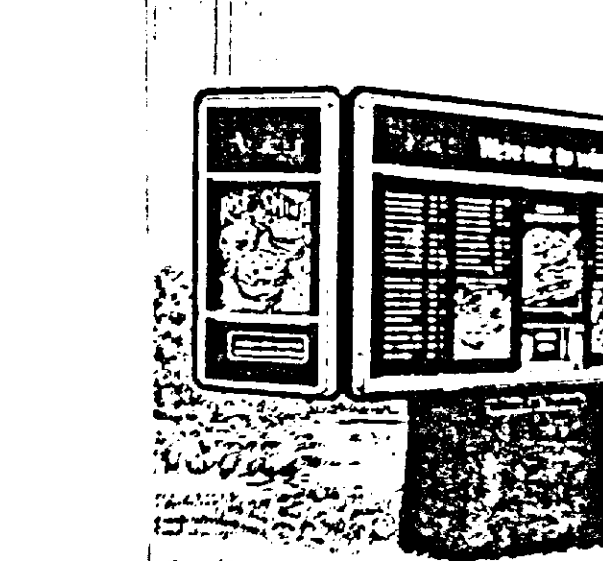
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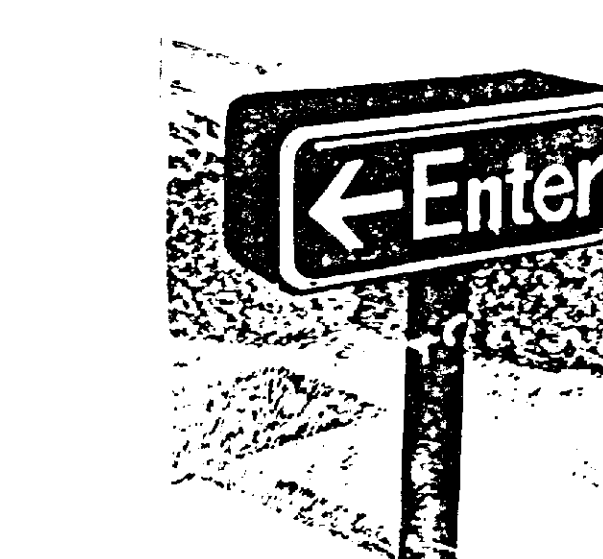
#3



#5



#4



Baltimore County Soil Conservation District  
APPROVED FOR SETBACK CONTROL  
DATE 4-31-86  
PLAN NO. 4-31-86

**APEX ENGINEERING, INC.**  
ENGINEERS, PLANNERS & SURVEYORS  
110 OLD SOLOMONS ISLAND ROAD  
ANNAPOLIS, MARYLAND, 21401  
(301) 841-6737



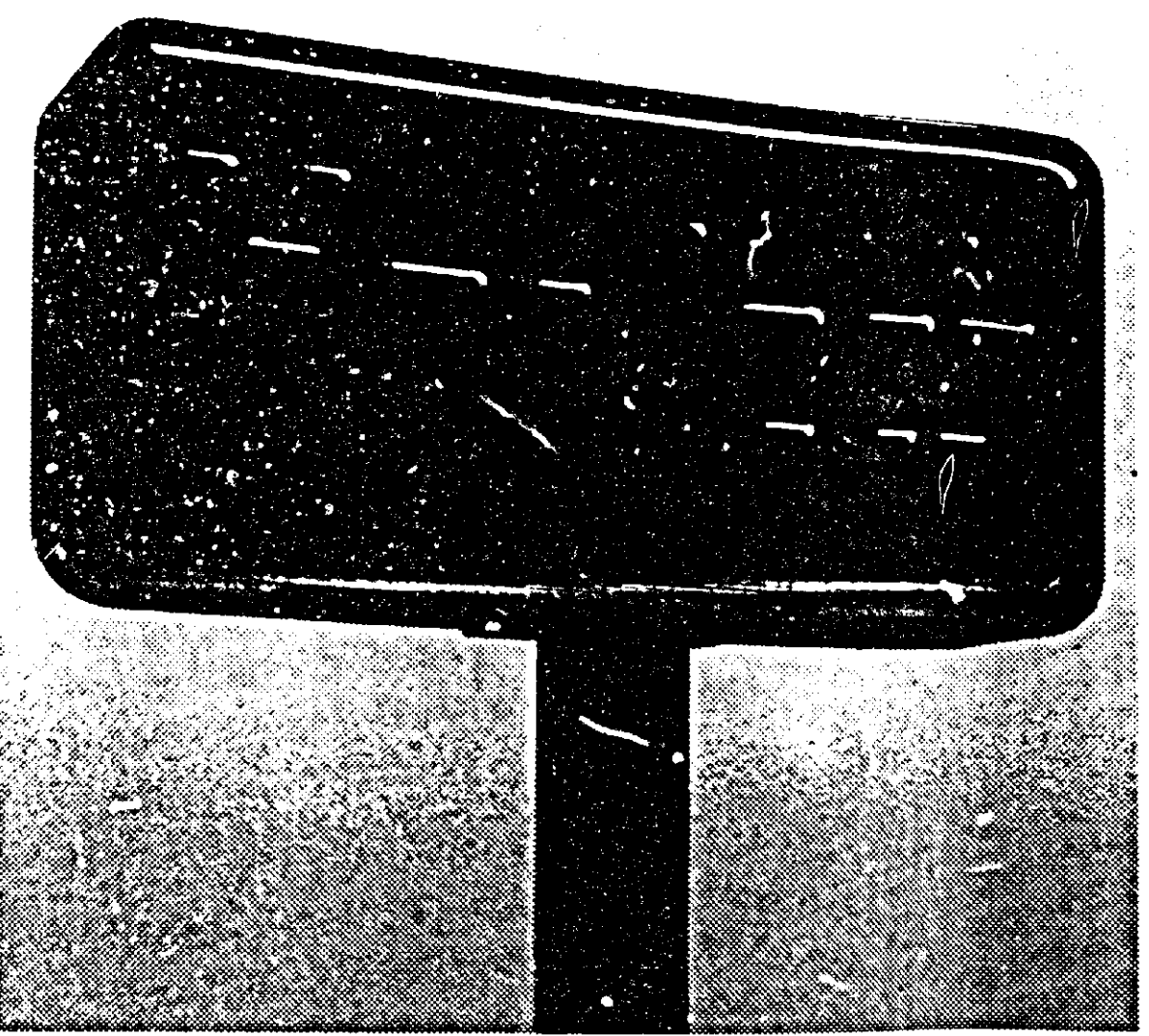
Michael B. 24-87

**PLAN TO ACCOMPANY  
ZONING VARIANCE**  
SCALE: 1" = 20'

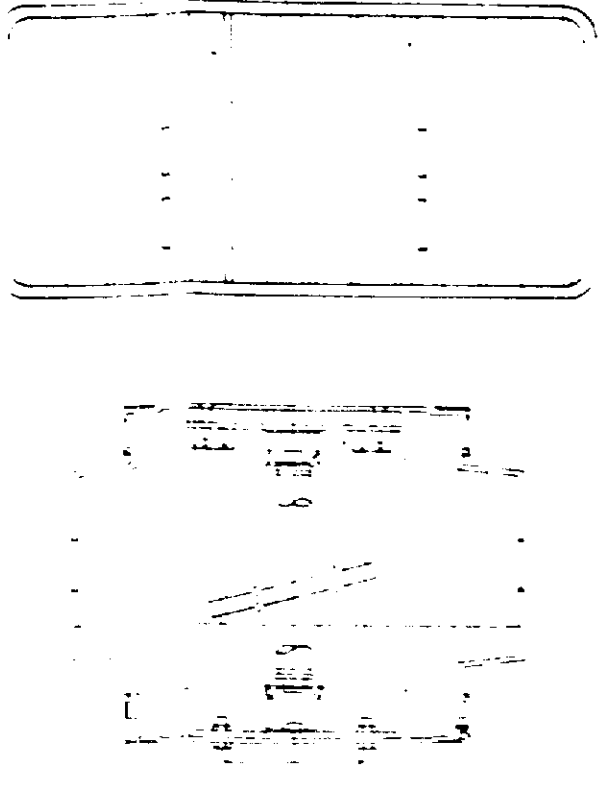
**PETITIONER'S  
EXHIBIT**



### MODEL 816 ROAD SIGN



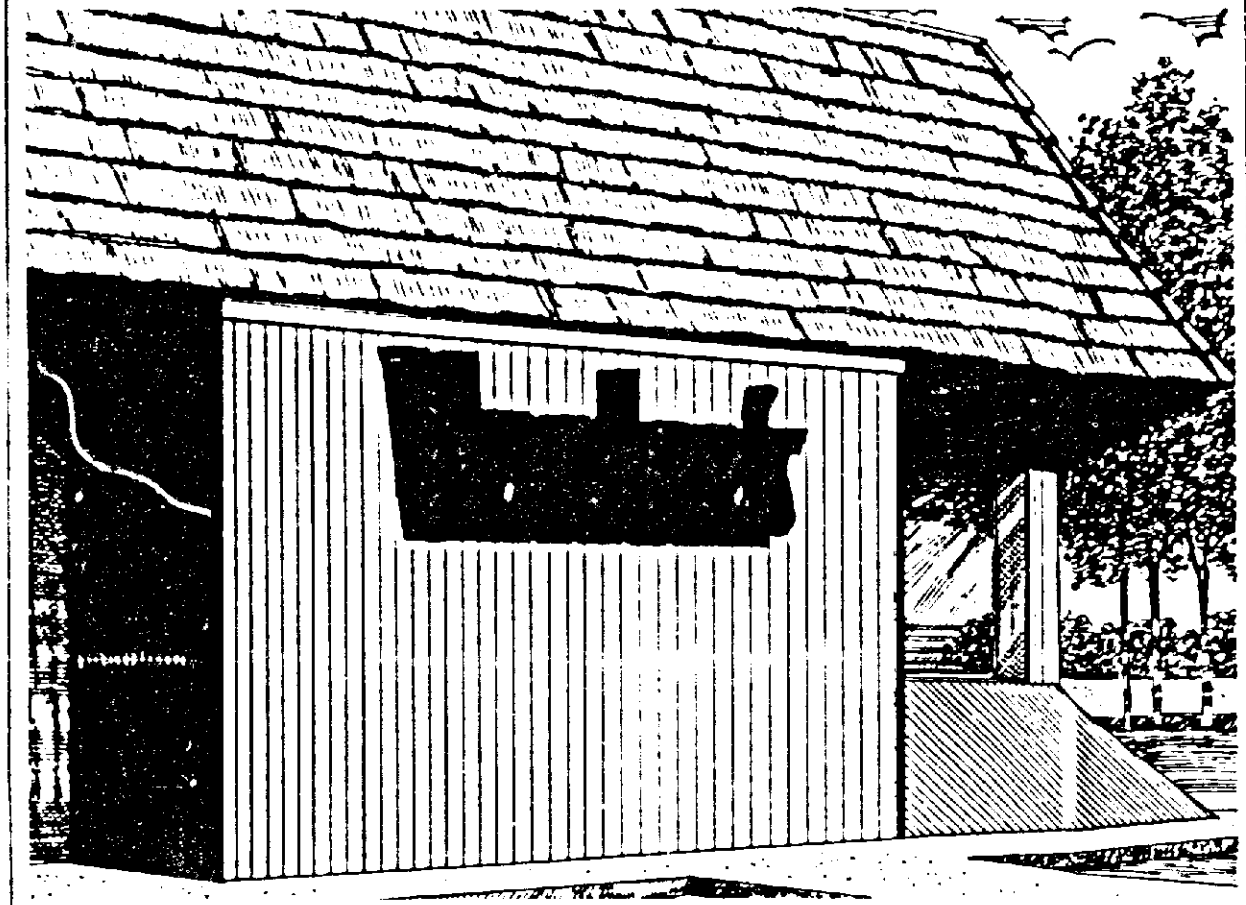
**SPECIFICATIONS:**  
 SIZE: 7'2 3/4" x 15'5" x 1'2 5/8"  
 AREA: 111.44 sq. ft.  
 WEIGHT: 1,325 lbs.  
 ELECTRICAL:  
 LOAD: 1-20 Amp, 120 Volt Circuit, 13.4 AMPS Maximum  
 LAMPS: F64T12CW/HO QTY 14  
 BALLAST: FRANCE 388 D 3 lamp QTY 2  
 FRANCE 488 D 4 lamp QTY 2  
 SWITCH: 1-20 Amp  
 UL Approved



Hardee's Model 816 road sign is the primary sign used for the main identification of the store. It is usually installed at 16" to 20" grade clearance. A Breakfast/Drive Thru appendage sign is usually used. See appendage sign sheet.

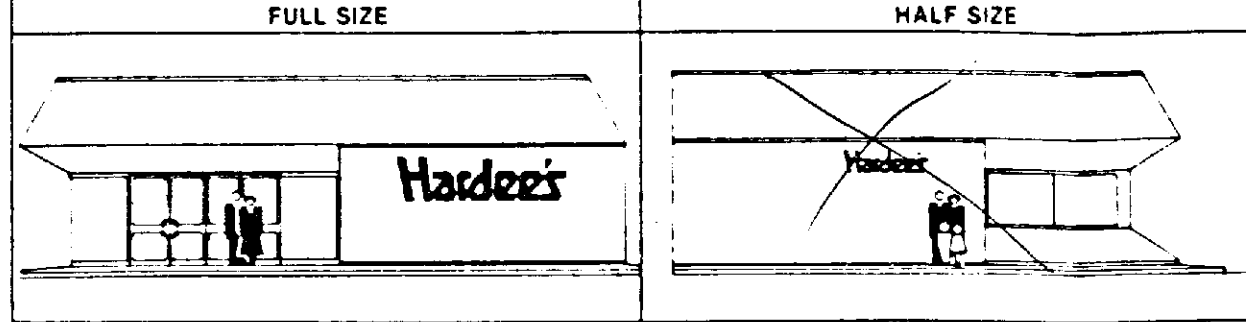
**TENCON**  
 Tennessee Continental Corporation, 400 Rivers Road, Centerville, Tennessee 37033 (615) 729-5103  
 SIGN #1

### BUILDING LETTERS



**SPECIFICATIONS:**  
**FULL SIZE**  
 SIZE: 3'1 1/2" x 11'10-1/2"  
 AREA: 37.11 sq. ft.  
 WEIGHT: 310 lbs. (set)  
 ELECTRICAL:  
 LOAD: 1-15 AMP 120 Volt Circuit, 10.0 AMPS Maximum  
 TRANSFORMER: 6030 PBKM— 34 H.P. France Qty. 1  
 5030 PBKM— 34 H.P. France Qty. 6  
 UL Approved

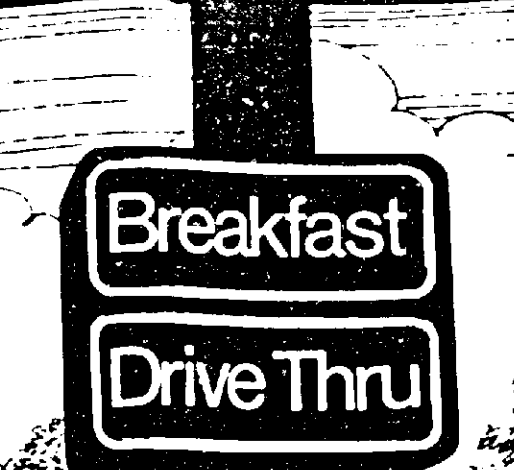


**HALF SIZE**  
 SIZE: 1'7 1/2" x 6'5"  
 AREA: 9.9 sq. ft.  
 WEIGHT: 200 lbs.  
 ELECTRICAL:  
 LOAD: 1-15 AMP 120 Volt Circuit, 4.8 AMPS Maximum  
 TRANSFORMER: 6060 PBKM— 1 P. France Qty. 1  
 UL Approved



Hardee's Building letters are installed on flat vertical surfaces.

**TENCON**  
 Tennessee Continental Corporation, 400 Rivers Road, Centerville, Tennessee 37033 (615) 729-5103  
 SIGN #3


### APPENDAGE SIGNS

		
<p><b>MODEL 816</b>            SIZE: 5'1 1/2" x 6'2"            AREA: 31.61 sq. ft.            WEIGHT: 390 lbs.            ELECTRICAL:            LOAD: 1-15 AMP 120 Volt Circuit, 9.2 AMPS Maximum            LAMPS: F60T12CW/HO QTY 12            BALLAST: FRANCE 668D, 6 Lamp QTY 2            SWITCH: 1-15 AMP QTY 12            UL Approved</p>	<p><b>MODEL 511</b>            SIZE: 4'4" x 3'3 1/4"            AREA: 15.37 sq. ft.            WEIGHT: 275 lbs.            ELECTRICAL:            LOAD: 1-15 AMP 120 Volt Circuit, 6.6 AMPS Maximum            LAMPS: F60T12CW/HO QTY 8            BALLAST: FRANCE 468D, 4 Lamp QTY 2            SWITCH: 1-15 AMP QTY 2            UL Approved</p>	<p><b>HIGH RISE</b>            SIZE: 3' x 3'3 1/4"            AREA: 9.9 sq. ft.            WEIGHT: 525 lbs.            ELECTRICAL:            LOAD: 1-15 AMP 120 Volt Circuit, 6.6 AMPS Maximum            LAMPS: F60T12CW/HO QTY 8            BALLAST: FRANCE 388D, 3 Lamp QTY 2            SWITCH: 1-15 AMP QTY 2            UL Approved</p>

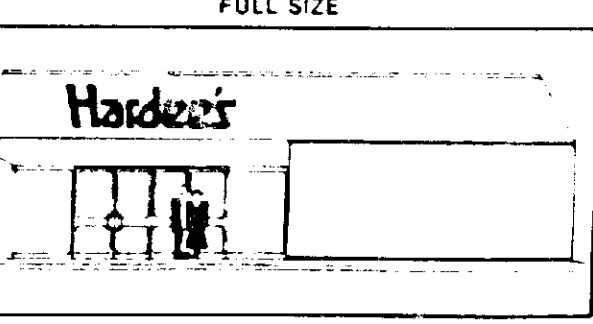
COPY AVAILABLE: 1. Breakfast 2. Drive Thru 3. Drive Thru Service 4. Breakfast/Drive Thru  
 5. Open 24 Hrs. 6. Open 24 Hrs./Breakfast 7. Open 24 Hrs./Drive Thru

**TENCON**  
 Tennessee Continental Corporation, 400 Rivers Road, Centerville, Tennessee 37033 (615) 729-5103  
 SIGN #2

### RACEWAY BUILDING LETTERS




**SPECIFICATIONS:**  
 SIZE: 3'1 1/2" x 11'10 1/2"  
 AREA: 37.11 sq. ft.  
 WEIGHT: 310 lbs. (set)  
 ELECTRICAL:  
 LOAD: 1-15 AMP 120 Volt Circuit, 10.0 AMPS Maximum  
 TRANSFORMER: 6030 PBKM— 34 H.P. France Qty. 1  
 5030 PBKM— 34 H.P. France Qty. 6  
 UL Approved



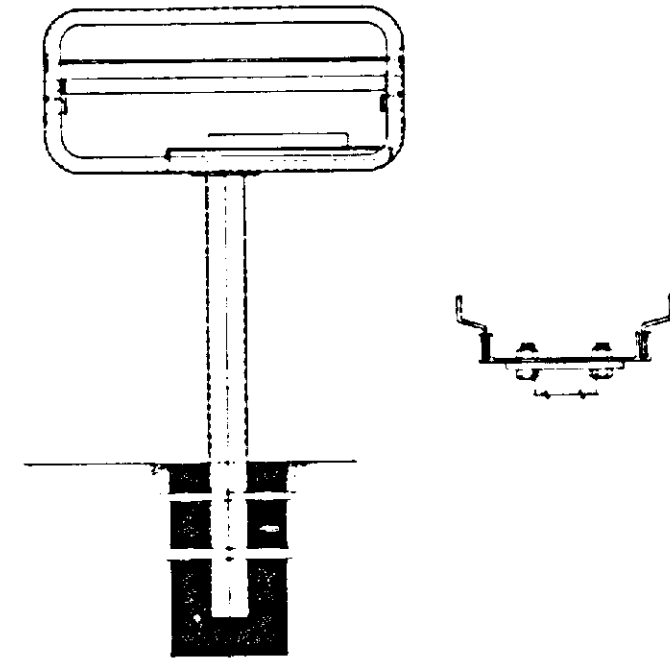
Hardee's Raceway Building Letters are installed on mansard roof surfaces.

**TENCON**  
 Tennessee Continental Corporation, 400 River Road, Centerville, Tennessee 37033 (615) 729-5103  
 SIGN #3

### DIRECTIONAL SIGNS



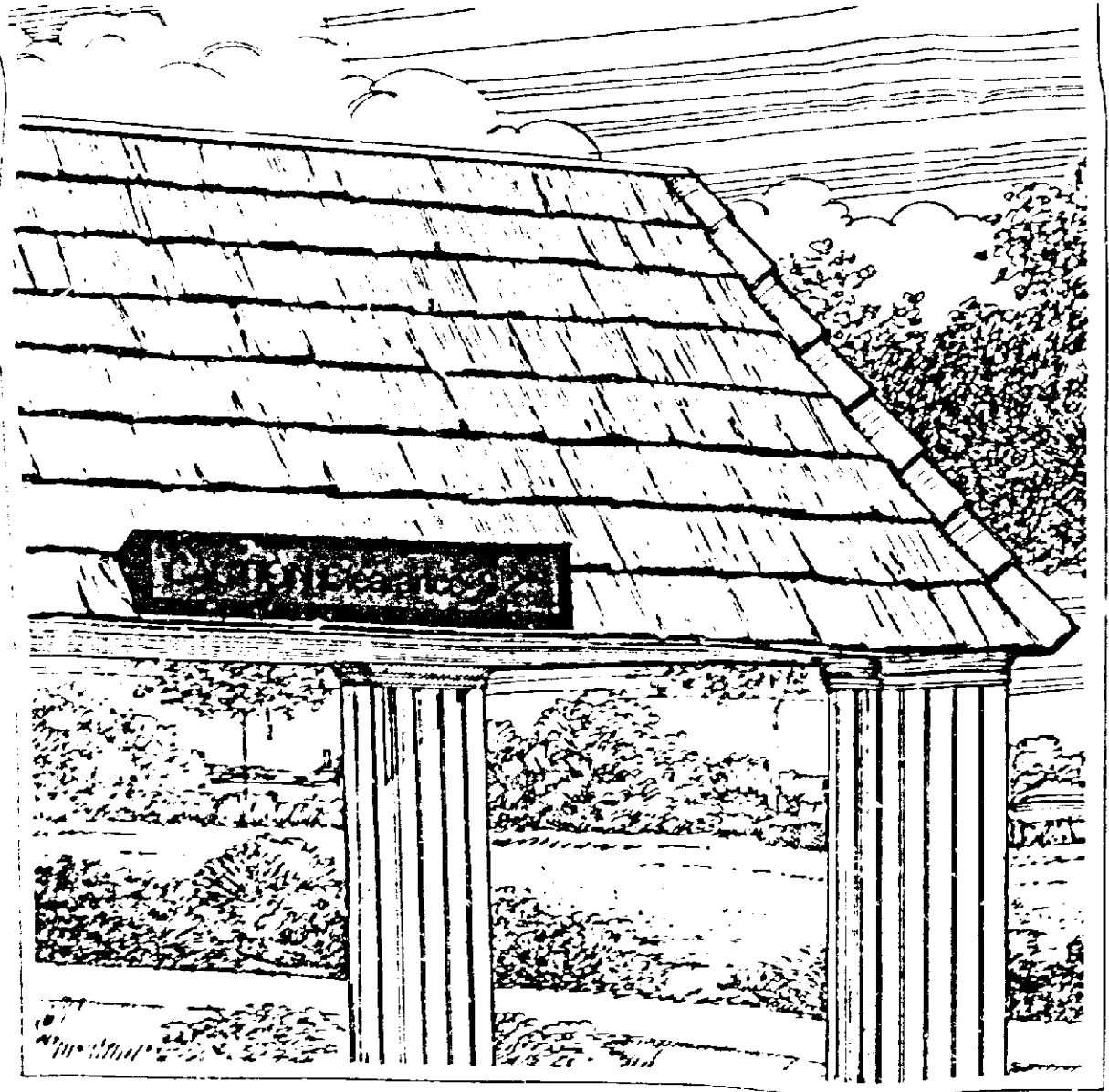
**SPECIFICATIONS:**  
 SIZE: 1'5" x 3'1"  
 AREA: 4.36 sq. ft.  
 WEIGHT: 130 lbs.  
 ELECTRICAL:  
 LOAD: 1-15 AMP 120 Volt Circuit, 8.0 AMPS Maximum  
 LAMPS: F36T12CW/HO QTY 1  
 BALLAST: Universal 51-609-X 1 Lamp QTY 1  
 UL Approved



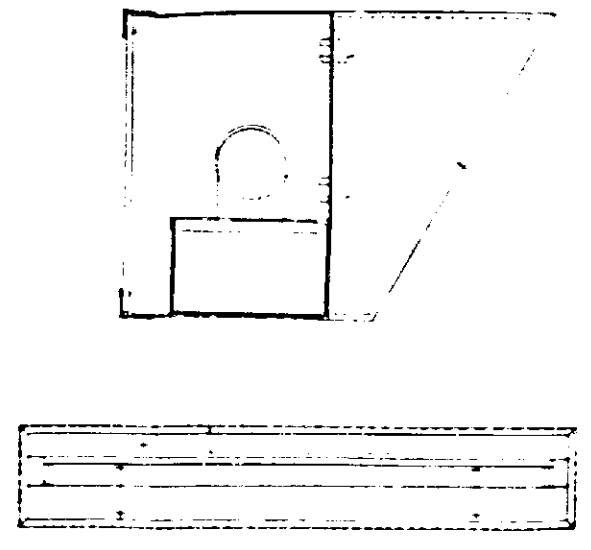
Hardee's Directional Signs are used to help traffic flow smoothly in the parking area.

**TENCON**  
 Tennessee Continental Corporation, 400 Rivers Road, Centerville, Tennessee 37033 (615) 729-5103  
 SIGN # 6, 7, 8

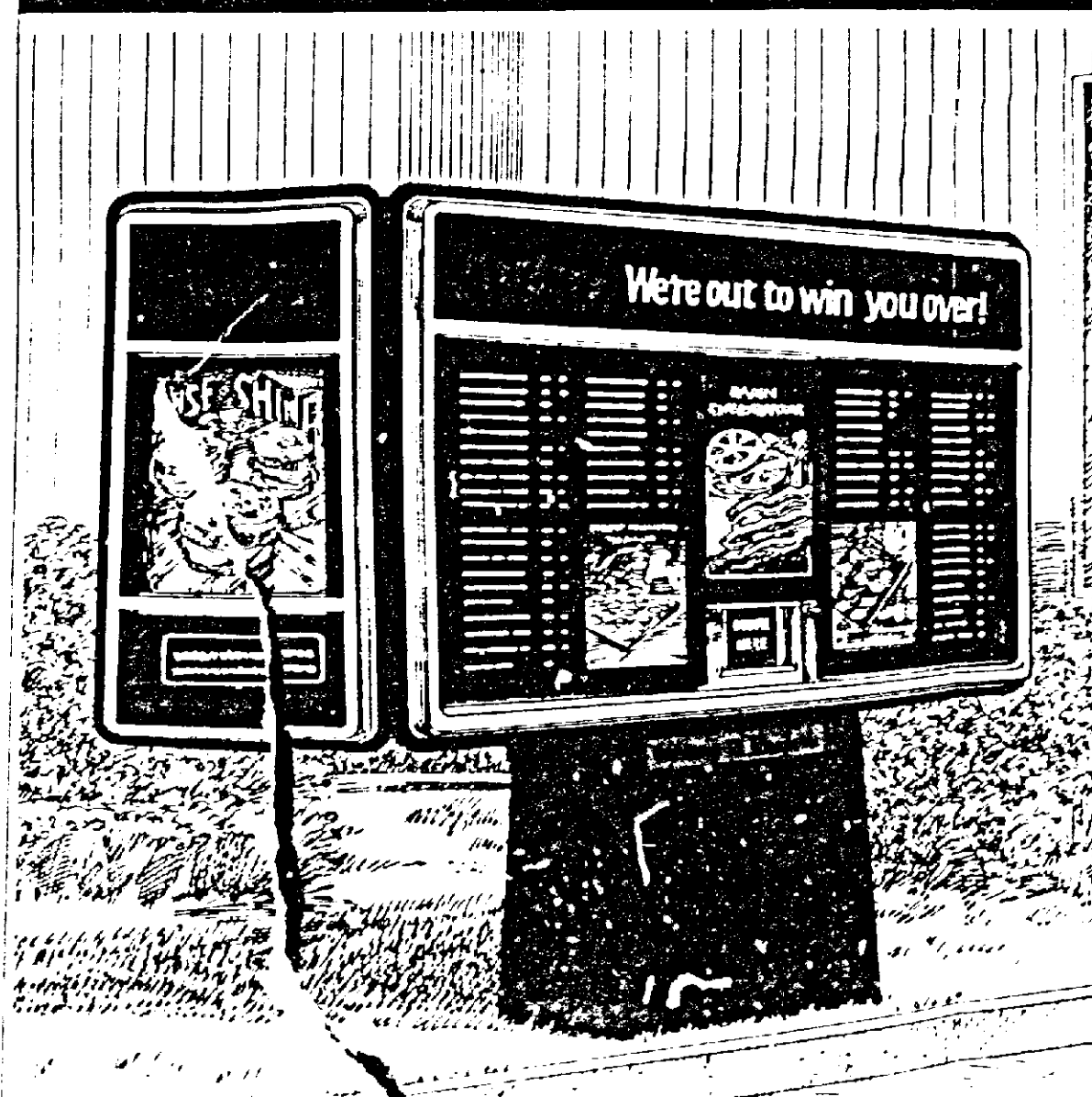
### CANOPY CLEARANCE SIGN



**SPECIFICATIONS:**  
 SIZE: 6'11 1/8" x 3'1 3/8"  
 AREA: 1.73 sq. ft.  
 WEIGHT: 40 lbs.  
 ELECTRICAL:  
 LOAD: 1-15 AMP 120 Volt Circuit, 7.5 AMPS Maximum  
 LAMPS: F36T12CW/HO QTY 1  
 BALLAST: Universal 51-609-Y QTY 1  
 UL Approved



### ORDER STATIONS



**SPECIFICATIONS:**  
 SIZE: 7'1 1/2" x 4'1 1/2"  
 AREA: 29.39 sq. ft.  
 Appendage: 2'2" x 4'1"  
 Appendage: 8.8 sq. ft.  
 ELECTRICAL:  
 LOAD: 1-15 AMP 120 Volt Circuit, 4.6 AMPS Maximum  
 LAMPS: F72T12CW/HO QTY 3  
 F30T12CW/HO QTY 1  
 F42T12CW/HO QTY 2  
 BALLAST: FRANCE 468D—4 Lamp QTY 1  
 FRANCE 268D—2 Lamp QTY 1  
 UL Approved

